UNITED STATES DISTRICT COUSOUTHERN DISTRICT OF NEW	YORK	
GRISELDA BIELINSKI and MAR	IO PARDO,	
	Plaintiffs,	07 Civ. 11636 (SS)(JCF)
- against - HOTEL PIERRE,		DECLARATION OF ARTHUR Z. SCHWARTZ
	Defendant.	
Arthur Z. Schwartz declares,		s follows:

- Annexed as Exhibit A is a portion of the deposition of Jack Racic. 1.
- Annexed as Exhibit B is a portion of the deposition of Jay Laut. 2.
- 3. Annexed as Exhibit C is Christian Hammerich's notes of his interview with Griselda Bielinski.
  - Annexed as Exhibit D are excerpts from the deposition of Heiko Kuenstle. 4.
  - Annexed as Exhibit E are excerpts from the deposition of Christopher Edmonds. 5.

Dated: New York, New York September 8, 2008

Arthur Z. Schwartz

# **EXHIBIT A**

1			Page 1
$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	UNITED STATES DISTRICT COURT		
4	SOUTHERN DISTRICT OF NEW YORK		
3		V	
1	GRISELDA BIELINSKI and	X	
<b>*</b>	MARIO PARDO,		
5	MAKIO FARDO,		
	Plaintiffs,		
6			
	vs.	Case No.	
7	•	07CV11636	
8	HOTEL PIERRE,	·	
9	Defendant.		
10		X	
11			
12	•		
13	DEPOSITION OF JACK I	RACIC	
14	New York, New Yor	ck	
15	Thursday, July 3, 2	2008	
16			
17			
18			
19			
20			
21			
22	•		
23	Reported by:		
24	JOAN WARNOCK		
25	JOB NO. 204126a		

Page 2	Page 4
	J. Racic
$\begin{bmatrix} 2 \\ 2 \end{bmatrix}$	2 JACK RACIC, called as a witness,
3 4 T-1-, 2, 2008	3 having been duly sworn by a Notary 4 Public, was examined and testified
4 July 3, 2008 5 10:10 a.m.	4 Public, was examined and testified 5 as follows:
5 10:10 a.m.	6 COURT REPORTER: Please state your
7 Deposition of JACK RACIC, held at	7 full name and address for the record.
8 the offices of Schwartz, Lichten &	8 THE WITNESS: My name is Jack.
9 Bright, 275 Seventh Avenue, New York,	9 Last name is Racic. Telephone number is
10 New York, before Joan Warnock, a Notary	10 1-718-767-2505. 143-73 Tenth Avenue,
11 Public of the State of New York.	Whitestone, New York 11357.
12	12 EXAMINATION BY
13	13 MR. SCHWARTZ:
14	14 Q. Mr. Racic, you're here pursuant to
15	15 a subpoena; is that correct?
16	16 A. Yes.
17	17 Q. Do you have counsel here, or you're
18	18 here without an attorney?
19	19 A. (Indicating).
20 .	20 Q. No attorney? You have to say
21	21 things, because she has to
22	22 A. No.
23	23 Q take it down.
24	24 A. No.
25	25 Q. What is your present employment?
Page 3	Page 5
,	_
1	1 J. Racic
1 2APPEARANCES:	1 J. Racic 2 A. I'm a banquet captain supervisor in
1 2 A P P E A R A N C E S: 3	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre.
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C.	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where?
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs	<ol> <li>J. Racic</li> <li>A. I'm a banquet captain supervisor in</li> <li>banquet in Hotel Pierre.</li> <li>Q. At where?</li> <li>A. Hotel Pierre.</li> </ol>
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor	<ol> <li>J. Racic</li> <li>A. I'm a banquet captain supervisor in</li> <li>banquet in Hotel Pierre.</li> <li>Q. At where?</li> <li>A. Hotel Pierre.</li> <li>Q. And how long have you been a</li> </ol>
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain?
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ.	<ol> <li>J. Racic</li> <li>A. I'm a banquet captain supervisor in</li> <li>banquet in Hotel Pierre.</li> <li>Q. At where?</li> <li>A. Hotel Pierre.</li> <li>Q. And how long have you been a</li> <li>banquet captain?</li> <li>A. About fourteen years. No, go</li> </ol>
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9	<ol> <li>J. Racic</li> <li>A. I'm a banquet captain supervisor in</li> <li>banquet in Hotel Pierre.</li> <li>Q. At where?</li> <li>A. Hotel Pierre.</li> <li>Q. And how long have you been a</li> <li>banquet captain?</li> <li>A. About fourteen years. No, go</li> <li>ahead.</li> </ol>
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C.	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead.
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No.
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No.
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1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ.	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter.
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ. 15 16 ALSO PRESENT: 17 GRISELDA BIELINSKI	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter. 17 Q. And how long were you a banquet
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ. 15 16 ALSO PRESENT: 17 GRISELDA BIELINSKI 18 MARIO PARDO	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter. 17 Q. And how long were you a banquet 18 waiter before that, about?
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ. 15 16 ALSO PRESENT: 17 GRISELDA BIELINSKI 18 MARIO PARDO 19 YVONNE MANCINI, HOTEL PIERRE	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter. 17 Q. And how long were you a banquet 18 waiter before that, about? 19 A. 32 years, so you figure out what
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ. 15 16 ALSO PRESENT: 17 GRISELDA BIELINSKI 18 MARIO PARDO 19 YVONNE MANCINI, HOTEL PIERRE 20 ZENELKY ORTIZ, HOTEL PIERRE	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter. 17 Q. And how long were you a banquet 18 waiter before that, about? 19 A. 32 years, so you figure out what 20 Q. You've been there 32 years total?
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ. 15 16 ALSO PRESENT: 17 GRISELDA BIELINSKI 18 MARIO PARDO 19 YVONNE MANCINI, HOTEL PIERRE 20 ZENELKY ORTIZ, HOTEL PIERRE	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter. 17 Q. And how long were you a banquet 18 waiter before that, about? 19 A. 32 years, so you figure out what 20 Q. You've been there 32 years total? 21 A. Yeah.
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ. 15 16 ALSO PRESENT: 17 GRISELDA BIELINSKI 18 MARIO PARDO 19 YVONNE MANCINI, HOTEL PIERRE 20 ZENELKY ORTIZ, HOTEL PIERRE 21 22	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter. 17 Q. And how long were you a banquet 18 waiter before that, about? 19 A. 32 years, so you figure out what 20 Q. You've been there 32 years total? 21 A. Yeah. 22 Q. As either a banquet waiter or as a
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ. 15 16 ALSO PRESENT: 17 GRISELDA BIELINSKI 18 MARIO PARDO 19 YVONNE MANCINI, HOTEL PIERRE 20 ZENELKY ORTIZ, HOTEL PIERRE 21 22 23	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter. 17 Q. And how long were you a banquet 18 waiter before that, about? 19 A. 32 years, so you figure out what 20 Q. You've been there 32 years total? 21 A. Yeah. 22 Q. As either a banquet waiter or as a 23 captain?
1 2 A P P E A R A N C E S: 3 4 SCHWARTZ, LICHTEN & BRIGHT, P.C. 5 Attorneys for Plaintiffs 6 275 Seventh Avenue, 17th Floor 7 New York, New York 10001 8 BY: ARTHUR Z. SCHWARTZ, ESQ. 9 10 KANE KESSLER, P.C. 11 Attorneys for Defendant 12 1350 Avenue of the Americas 13 New York, New York 10019 14 BY: JUDITH A. STOLL, ESQ. 15 16 ALSO PRESENT: 17 GRISELDA BIELINSKI 18 MARIO PARDO 19 YVONNE MANCINI, HOTEL PIERRE 20 ZENELKY ORTIZ, HOTEL PIERRE 21 22	1 J. Racic 2 A. I'm a banquet captain supervisor in 3 banquet in Hotel Pierre. 4 Q. At where? 5 A. Hotel Pierre. 6 Q. And how long have you been a 7 banquet captain? 8 A. About fourteen years. No, go 9 ahead. 10 Q. Go ahead. 11 A. No. 12 Q. And before that were you employed 13 at the Pierre? 14 A. Yeah, of course. 15 Q. As what? 16 A. As a waiter, banquet waiter. 17 Q. And how long were you a banquet 18 waiter before that, about? 19 A. 32 years, so you figure out what 20 Q. You've been there 32 years total? 21 A. Yeah. 22 Q. As either a banquet waiter or as a

Page 6 Page R J. Racie J. Racic 2 2 captain supervisor." What do you mean by A. No. 3 O. Or they rotate the jobs within --3 supervisor? A. Just the tables, assignment for A. I'm supposed to supervise the food 5 that particular function. We do not book the 5 and the waiters. 6 waiters. They have their own secretary who Q. You supervise the waiters? A. And food and everything what's 7 book them. 8 going on in the functions. Q. So you don't decide which waiters 9 work ---Q. What does a banquet captain do? 10 A. When we come, we start the A. No. No. O. Once the waiters --11 function. We make the diagrams. We meet the 11 12 people in charge. We go how the function is 12 A. No. 13 going to proceed, and then the timing of the 13 O. Once the waiters are assigned, then 14 you give them a location to work in the 14 function. Each function is different and how 15 event? 15 fast they want to go, how slow they want to 16 go, how they want us to serve the food and 16 A. Yes. 17 whatever is there. Whatever -- we are there 17 Q. Since you became a captain, how 18 from morning to next -- to night whatever 18 many other captains have been promoted to 19 that position after you? 19 they need, they've got there. A. One, two, Eddie Lezcano. Q. And how do you, interact with the 20 21 Q. You can say it. The first is what, 21 waiters? 22 Eddie Lavano? 22 A. I interact like --23 A. After me you mean? 23 Q. What's your job vis-a-vis the 24 Q. Yes, after you. 24 waiters? A. Eddie Lezcano. And who else. 25 A. My job is to instruct the waiter 25 Page 9 Page 7 J. Racic J. Racic 2 Nick. He retired. Nick. Nick Costantelli. 2 what they're supposed to do. They all know 3 And I believe Nick Costantelli and now Jay 3 that. Q. Which tables to --4 Laut. Three. 4 Q. Laut was the third one? 5 5 A. Yeah. A. Yeah. O. -- wait on? 6 Q. Last year in February the hotel A. Where they assigned. That's 8 announced an opening for captain. How did 8 everybody got a diagram. That's 9 you find out about it? 9 automatically we do that. 10 A. I think they post in cafeteria. O. So the banquet captains make the 10 11 Q. And that was the first you heard 11 assignments? 12 about it? A. Yes. For lunch. And 99 percent we 13 do for dinner. Sometimes the head waiter, 13 A. Yes. 14 Chris. 14 Q. After you heard about it, did you 15 have any conversations with anybody above you O. And what are the kinds of 16 in the hotel management about your ideas 16 assignments that waiters can get from a 17 about who --17 banquet captain? A. It's in the rotation whatever is, 18 A. No. 19 you know. They have their own rotation and 19 Q. -- should get the job? 20 we do -- we know their rotation, because I A. No. 20 21 Q. Not a single conversation? 21 was a waiter, so I know. They have a 22 22 rotation, and we know their rotation and they A. No.

3 (Pages 6 to 9)

Q. Did you talk to any of the other

24 captains about who you thought should get the

23

25 job?

23 know, so that's how we do it.

24

25 day?

Q. The rotation is who works on which

# **EXHIBIT B**

1		Page 1
$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	UNITED STATES DISTRICT COURT	
4	SOUTHERN DISTRICT OF NEW YORK	
2	X	
	GRISELDA BIELINSKI and	
-	MARIO PARDO,	
5	·	
	Plaintiffs,	
6	,	
	vs. Case No.	
7	· 07CV11636	
8	HOTEL PIERRE,	
9	Defendant.	
10	X	
11		
12	,	
13	DEPOSITION OF JAY LAUT	
14	New York, New York	
15	Thursday, July 3, 2008	
16		
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21		
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23	Reported by:	
	JOAN WARNOCK	
<b>4</b> 5	JOB NO. 204126B	

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١.	Page 2	Page 4
1		J. Laut
2		2 J A Y L A U T, called as a witness,
3		3 having been duly sworn by a Notary
4		4 Public, was examined and testified
5	July 3, 2008	5 as follows:
6	10:35 a.m.	6 COURT REPORTER: Please state your
7		7 name and address for the record.
8	Deposition of JAY LAUT, held at the	8 THE WITNESS: Jay Laut, 60-10 83rd
9	offices of Schwartz, Lichten & Bright,	9 Street, Middle Village, New York 11379.
10	P.C., 275 Seventh Avenue, New York,	10 EXAMINATION BY
11	New York, before Joan Warnock, a Notary	11 MR. SCHWARTZ:
12	Public of the State of New York.	12 Q. You're here pursuant to a subpoena;
13		13 is that correct?
14		14 A. Yes, sir.
15		15 Q. My name is Arthur Schwartz, and I
16		16 represent Ms. Bielinski and Mr. Pardo. This
17		17 is Ms. Stoll, who you may know, she
18		18 represents the hotel. And I'm going to have
19		19 a few questions to ask you. If you don't
20	•	20 understand the questions, ask me to clarify.
21		21 I rather you be clear on what I'm asking you
22		22 and not guess. Okay?
23		23 A. Sure.
24		24 Q. How long have you been working for
25		25 the Hotel Pierre in any capacity?
	Page 3	Page 5
1	Page 3	Page 5
	Page 3 APPEA'RANCES:	1 J. Laut
		1 J. Laut 2 A. Since 1998.
2 /	APPEARANCES:	<ol> <li>J. Laut</li> <li>A. Since 1998.</li> <li>Q. And when you started working for</li> </ol>
2 <i>A</i> 3	APPEARANCES: SCHWARTZ, LICHTEN & BRIGHT, P.C.	1 J. Laut 2 A. Since 1998. 3 Q. And when you started working for 4 them in '98 in what capacity were you
2 A 3 4 5	APPEARANCES:  SCHWARTZ, LICHTEN & BRIGHT, P.C.  Attorneys for Plaintiffs	1 J. Laut 2 A. Since 1998. 3 Q. And when you started working for 4 them in '98 in what capacity were you 5 working?
2 A 3 4 5 6	A P P E A'R A N C E S:  SCHWARTZ, LICHTEN & BRIGHT, P.C. Attorneys for Plaintiffs 275 Seventh Avenue, 17th Floor	<ol> <li>J. Laut</li> <li>A. Since 1998.</li> <li>Q. And when you started working for</li> <li>4 them in '98 in what capacity were you</li> <li>5 working?</li> <li>A. I was in the banquet B list.</li> </ol>
2 <i>A</i> 3 4 5 6 7	APPEARANCES:  SCHWARTZ, LICHTEN & BRIGHT, P.C. Attorneys for Plaintiffs 275 Seventh Avenue, 17th Floor New York, New York 10001	1 J. Laut 2 A. Since 1998. 3 Q. And when you started working for 4 them in '98 in what capacity were you 5 working? 6 A. I was in the banquet B list. 7 Q. On the B list?
2 A 3 4 5 6	A P P E A'R A N C E S:  SCHWARTZ, LICHTEN & BRIGHT, P.C. Attorneys for Plaintiffs 275 Seventh Avenue, 17th Floor	<ol> <li>J. Laut</li> <li>A. Since 1998.</li> <li>Q. And when you started working for</li> <li>4 them in '98 in what capacity were you</li> <li>5 working?</li> <li>A. I was in the banquet B list.</li> </ol>
2 <i>A</i> 3 4 5 6 7 8	APPEARANCES:  SCHWARTZ, LICHTEN & BRIGHT, P.C. Attorneys for Plaintiffs 275 Seventh Avenue, 17th Floor New York, New York 10001 BY: ARTHUR Z. SCHWARTZ, ESQ.	1 J. Laut 2 A. Since 1998. 3 Q. And when you started working for 4 them in '98 in what capacity were you 5 working? 6 A. I was in the banquet B list. 7 Q. On the B list? 8 A. Yes.
2 4 3 4 5 6 7 8 9	A P P E A'R A N C E S:  SCHWARTZ, LICHTEN & BRIGHT, P.C. Attorneys for Plaintiffs 275 Seventh Avenue, 17th Floor New York, New York 10001 BY: ARTHUR Z. SCHWARTZ, ESQ.  KANE KESSLER, P.C.	1 J. Laut 2 A. Since 1998. 3 Q. And when you started working for 4 them in '98 in what capacity were you 5 working? 6 A. I was in the banquet B list. 7 Q. On the B list? 8 A. Yes. 9 Q. And what did it mean to be on the B 10 list?
2 4 3 4 5 6 7 8 9 10	A P P E A'R A N C E S:  SCHWARTZ, LICHTEN & BRIGHT, P.C. Attorneys for Plaintiffs 275 Seventh Avenue, 17th Floor New York, New York 10001 BY: ARTHUR Z. SCHWARTZ, ESQ.  KANE KESSLER, P.C. Attorneys for Defendant	1 J. Laut 2 A. Since 1998. 3 Q. And when you started working for 4 them in '98 in what capacity were you 5 working? 6 A. I was in the banquet B list. 7 Q. On the B list? 8 A. Yes. 9 Q. And what did it mean to be on the B 10 list? 11 A. That's the part-time.
2 4 3 4 5 6 7 8 9 10 11 12	SCHWARTZ, LICHTEN & BRIGHT, P.C. Attorneys for Plaintiffs 275 Seventh Avenue, 17th Floor New York, New York 10001 BY: ARTHUR Z. SCHWARTZ, ESQ.  KANE KESSLER, P.C. Attorneys for Defendant 1350 Avenue of the Americas	1 J. Laut 2 A. Since 1998. 3 Q. And when you started working for 4 them in '98 in what capacity were you 5 working? 6 A. I was in the banquet B list. 7 Q. On the B list? 8 A. Yes. 9 Q. And what did it mean to be on the B 10 list? 11 A. That's the part-time. 12 Q. And part-time, what did it mean by
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Jay Laut Page 6 1 J. Laut J. Laut 2 A. (Indicating). 2 like, for instance, banquet at the Regent is 3 3 mostly lunch. And so I work only breakfast Q. Once a week, twice a week? 4 at the Rihga Royal. So many times, you know, 4 A. More than -- more than twice a 5 when they get call at the Pierre, mostly 5 week. Q. More than twice a week. Less than 6 dinner. So I was able to manage. 6 7 three times a week? Q. So you were working the B list at 8 the Pierre until 2005, and then what happened A. We don't know. I don't know. 8 9 Q. You don't remember? 9 in 2005? A. No. You don't know. We don't 10 10 A. I became full-time at the Pierre. 11 know. We only get called when it's --11 Q. And how did that happen? Q. I'm asking looking back. 12 A. Someone retired. 12 13 A. Okay. We only get called when --13 O. Somebody retired? 14 Q. How often did you get called in? 14 A. Yes. 15 15 A. On average the whole year? Q. And what kind of process did you 16 Q. On average, yes. 16 have to go through? A. On average, maybe three times a A. They go by seniority. 17 17 Q. It went by seniority? 18 18 week. 19 19 A. Yes. In the B list. Q. So were you also working somewhere 20 Q. So you had moved up the seniority 20 else? 21 on the B list and you were the next one? 21 A. Yes, sir. 22 22 A. Yeah. Q. Where else were you working? A. I work in New York Regent, Wall 23 Q. You didn't have to go through any 24 Street. Regent Hotel at 55 Wall Street. I'm 24 interview process or anything? 25 a full-time banquet waiter there. And I also 25 A. No.

> Page 9 Page 7 1 J. Laut 2

2 work at that time at the Rihga Royal Hotel. 3 Right now it's London New York. Back then it 4 was Rihga Royal Hotel on 55th Street.

Q. So you had a full-time job and a

6 number of part-time jobs?

J. Laut

A. Yes.

Q. Did you sometimes get called for 9 two jobs at the same time?

A. Sometimes.

11 Q. And how would you pick between one 12 and the other?

A. Well, depending on which --

14 sometimes when there is party like say at the 15 Pierre where it conflict with my regular job, 16 they would tell me this is important party

17 and I need you to be here, and I choose to 18 come to whichever party.

19 Q. You would weigh which one was more 20 important?

21 A. Sometimes money-wise, sometimes the 22 input.

23 O. Did you ever sleep?

A. Well, I don't know if you know, but 25 the nature of the banquet, we sometimes --

Q. Once you became full-time on the

3 A list -- that's what it was called; right?

A. Yes. 4

5 Q. Did you keep working also your 6 other part-time jobs, or you gave them up?

A. I gave them up, yes.

8 Q. And did you also give up your other 9 full-time job?

A. That already -- just before I get 11 to the full-time, that place already close on 12 55 Wall Street.

Q. Can you tell us what is the work of 14 an A list waiter? What do you do?

A. We get call. We have assigned 16 table. And basically you have to make sure 17 that the guests get the best service there.

Q. Do you have to set up the tables, 18 19 or is that --

20 A. Yes, we do.

21 Q. -- someone else's job?

22 A. Yes, we have to set up and

23 sometimes close, depending on your rotation.

24 Q. What do you mean depending on the 25 rotation?

3 (Pages 6 to 9)

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Page 10 Page 12 J. Laut 1 J. Laut A. Well, sometimes if you get called, 2 A. The first time was Chris Edmund. 3 if you're in the first -- in the beginning of 3 Q. And after you spoke to Mr. Edmund, 4 rotation, you might be setting up, and if 4 he talked to you? 5 you're in the last rotations, you might be 5 A. Yes. 6 closing. O. And did he say anything at the end 7 Q. And closing would mean what, 7 of your interview about how you had done or 8 bussing? 8 what your prospects were? A. Bussing, yes. A. Good job. 10 Q. There's not busboys cleaning off 10 Q. He said, "Good job"? 11 the tables? The waiters do the job? A. Yeah. 11 A. Yeah. We all do that. We all do 12 Q. At some point there was a weekend 13 the whole thing, everything. 13 where you worked, you actually worked as a Q. Do the waiters get involved at all 14 captain sometime in March 2007? 15 in meetings with the guests who are having 15 A. March 2000? O. Seven. 16 affairs? 16 17 MS. STOLL: Are you talking about 17 A. Weekend. 18 in the planning stages? Q. Yes. 18 19 MR. SCHWARTZ: Right, in the 19 A. You said weekend? No. 20 Q. Weekday? planning stages. 20 A. Weekday, yes. 21 Q. Do you get involved in the planning 21 22 of any events as a waiter? 22 Q. Was it one day or more --23 A. As a waiter, planning, no. 23 A. Yes, one day. 24 Q. That's all done by the captains? 24 O. -- than one day? 25 A. Yes. 25 A. Actually, few hours. Page 11 Page 13 1 J. Laut 1 J. Laut 2 Q. And the head waiter? Q. A few hours? 2 3 A. Yes. 3 A. A few hours. I didn't complete the Q. And, generally, during an event 4 day. 5 when do you find out what the plan is for the 5 Q. Before that day happened had you 6 event? The day you go there or earlier than 6 had a second interview? 7 that? A. Second interview with? 8 A. The day we go. Q. With somebody in connection with a Q. And you find out your assignment 9 job. 10 the day you go there? 10 A. Yes. A. Yes. 11 11 Q. Who had you had the second 12 Q. How was it that you found out that 12 interview with? 13 there was an opening for a captain's position 13 A. I interviewed with Bill Spinner. 14 in February 2007? 14 Q. And did he say anything to you 15 A. It was in the bulletin board. 15 after that interview about your prospects for 16 Q. And you filled out an application? 16 the job?

4 (Pages 10 to 13)

17

18

20

21

A. No.

A. Basically, yes.

22 work one day as a captain?

25 He said I did great and --

19 bye-bye?

Q. He just interviewed you and said

Q. How was it that you came to go to

A. Because Chris Edmund -- I had

24 spoken to Chris Edmund after the interview.

17

18

20

24

25

21 interview.

23 interview?

A. Yes.

A. Yes, I do.

Q. After you filled out the

A. And then they will schedule you for

Q. And they did schedule you for an

O. And who interviewed you?

19 application, what happened next?

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1 J. Laut

- 2 Q. After the interview with him?
- A. With Bill Spinner. He said I did 4 -- you know, I asked him how is it, and he 5 said I did great. And he said you have done 6 so far excellent throughout the whole 7 interview process, you had been excellent in 8 terms of preparations, in terms of your job 9 performance, your track record, all those I'm 10 above, I'm by far was excel and was the first
- 12
- 11 in all aspect. Q. And what else did he say? 13 A. I don't know if that was the day or 14 the day after. Well, there are few days. 15 Let me recall. Within that two, three days, 16 every day I went to him, I said, how's 17 everything, how is my prospect. And there 18 was one day that he said, you're going to get 19 it, you will be -- you are the chosen, you 20 know, you will be the one that they pick that 21 will be the captain. So I said when, and I 22 confronted him, I said, when do I start, 23 because he's the director of banquet. So he 24 had mentioned to me that you can start next 25 week.

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- J. Laut
- 2 checked with Mr. Edmunds?
- A. I'm almost certain.
- 4 Q. And then did your name actually
- 5 appear on a schedule to come in as a captain?
- A. My?
- 7
- Q. Your name.A. My name, yes. 8
- 9 Q. It was posted?
- 10 A. On a schedule, yes. I don't think 11 we post our schedule. No. We don't post our 12 schedule.
- 13 Q. They just know it amongst the 14 group?
- 15 A. Yes, among the captains. We have 16 our schedule. Every week we were given the 17 weekly schedule by the captain, by the 18 secretary. Well, not the secretary. The 19 captain that do the schedule.
- 20 Q. And then after you knew you were on 21 the schedule, what did you do next in 22 connection with this captain job?
- A. Well, let me just say, the captain 24 that do the schedule is Eddie Lezcano. He 25 had called me and he told me that you will

Page 15

- 2 Q. He said you could start next week?
- 3 A. Next week.
- 4 Q. And what did you say?

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- A. Excellent. Can I go and -- go
- 6 ahead and -- would you tell the captain,
- 7 because the captain make the schedule. Would
- 8 you go to the captain and tell them to put me 9 on schedule. And he said he would.
- Q. So then did you wind up on a 11 schedule?
- 12 A. Yes.
- Q. So he had to have told the captain, 14 the other captains to do that in order for 15 that to happen?
- A. Either he did or I also went to 17 captain and told the captain that he had 18 made, you know, he had give green light here 19 okay. So, actually, they also went to him 20 and ask him.
- Q. Which captain did you speak to? 21
- 22 A. I think almost all of them.
- 23 Q. Including Mr. Racic?
- 24 A. Yes.
- 25 Q. And then as far as you know, they

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- 2 start on Wednesday, which is March 21st. So 3 on the -- is it okay? I mean I --
- Q. Yes, it's fine.
- 5 A. I mean, you know.
- O. That's fine. 6
- A. Okay. So March 20th I had called
- 8 Chris Edmund that I just want to make sure
- 9 that because -- let me go back. Prior to
- 10 that I had spoken to Chris Edmund. I said,
- 11 you are the director of banquet. I just want
- 12 to -- I just want you to make sure -- I just
- 13 want you to post my position that I am the
- 14 newly hired captain, put it on the board so
- 15 it become like official. He said, no
- 16 problem. He said he will have that -- he
- 17 will have to call human resource, he will
- 18 have to let general manager know and become
- 19 official, so -- but that's just a process.
- 20 So he's the director of banquet. He's the
- 21 department head. His word is golden. So
- 22 whatever he said, this is just the process.
- 23 And knowing from the captain previously, they
- 24 have director of banquet, once they decided
- 25 who is the person, the captain, the newly --

5 (Pages 14 to 17)

Page 17

## Page 20

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1 J. Laut

2 new captain, then the job is done. That's 3 what's in the past. But I'm coming from

4 other hotel, which this is the process, too,

5 but before that they also have posted the

6 newly, you know, just to official maybe put

7 it in the bulletin board who is the promoted,

8 who such and such person got promoted from

9 this department to that department or from 10 within the same department.

On the 20th I had made a phone call 12 to -- just the day -- one day prior to the 13 commencing of the captain position that I 14 newly -- where I started job, so I call

15 Mr. Edmund on his cell phone that I just -- I 16 said -- I left a message. He didn't pick up

17 the phone. I said I just want to make sure

18 that you have spoken to HR and you have 19 spoken to general manager. I know that you

20 told me that I'm going to start this week, 21 and I will be coming in tomorrow morning.

22 And I hung up. And the next day, which is

23 Wednesday, which is March 21st, that was my

24 day to start, not the weekend.

25 Q. Okay. So after you left that

1 J. Laut

2 yeah. I still remember. It's still ripped 3 over here.

4 Q. So you came to work that day, you 5 put on your captain's tuxedo?

A. Tuxedo.

7 Q. And then what happened?

8 A. Then I started to work as a

9 captain. But at that time I think I was - 10 because I was new, so I was kind of like

11 trailing. The captain would tell me, okay, 12 you take care of these sections, this room,

13 and I'll take care of the bigger room.

14 Q. Who did you trail?

15 A. I trailed with both -- it was Joe, 16 Joe and Jack.

17 Q. Jack Racic?

18 A. Jack Racic, yeah.

Q. Did he say anything to you?MS. STOLL: Who he?

21 Q. That day? Jack Racic.

22 A. Jack Racic?

23 Q. Yeah, about you getting the job.

A. No. Congratulations. I- certainly

25 -- I don't remember, but I think, you know,

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l J. Laut

2 message, then what did you do in connection 3 with this job? Did you have to get a special 4 tuxedo made?

5 A. Tuxedo.

6 Q. Yes. Or uniform?

7 A. Yes.

25

8 Q. Did that have to get made up by the 9 hotel?

10 A. Yes. That morning.

11 O. Wednesday?

12 A. Yes. I had the tuxedo made up.

13 No. There was -- no. No. That was the day

14 that -- the lady downstairs had the tuxedo.

15 It was somebody else's tuxedo. I still have

16 it. They just changed the tag. That was 17 probably from a retired captain or whoever.

18 It was a little bigger than my size, and that

18 It was a little bigger than my size, and that 19 was the tuxedo that was given to me. I was

20 still wearing my regular pant, my waiter 21 pants, and just a tuxedo.

Q. Did it have to be adjusted at all 23 or you just put it on even though it was a 24 little large for you?

A. I just have to -- I just put it on,

l 1 J. Laut

2 everyone see me with tuxedo. Well, actually, 3 they know. Let me go back to March 17 on

4 weekend. There was a St. Patrick's parade.

5 I had -- that was after Chris Edmund, you

6 know, had spoken to me that, yes, you're 7 going to be the next captain, you have done

8 excellent in all aspects. So on that day I

9 had gathered all the waiters, I was the

10 delegate of the waiters, and I announced that

11 I will resign from my delegate-ship because 12 I'm going to start to be a captain starting

13 from next week. That day was Saturday.

14 Q. So did Jack say anything to you 15 about getting the position?

16 A. He knows that I'm going to work, so 17 I don't -- you think I remember every word 18 that people say on that day, no. A lot of 19 people were just congratulating me.

20 Q. Did he say anything to you before 21 that weekend saying you're the best, you 22 should get it, the captains all want you to 23 get it, anything like that?

24 A. I don't remember. I know I'm the 25 best for that candidate.

6 (Pages 18 to 21)

# **EXHIBIT C**



diff @ Capstain: - Superis. couplete D0150



- for backe to room: insure; coa: tus did the nys job cleanj up.
roates did the most job
Cleani un
(An
- if guest complains about food.  - if guest down not like meet:  offer alternative alst: chicken,
- if and don at like meet:
Oshi alterative MA: Chichen
Behas the sale: I sough to chil:
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**EXHIBIT D** 

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Page 1
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 2
            UNITED STATES DISTRICT COURT
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            SOUTHERN DISTRICT OF NEW YORK
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   GRISELDA BIELINSKI and MARIO
    PARDO,
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                Plaintiffs,
                                     Case No.
                                       07 Civ. 11636
 7
                                       (SS)
              vs.
 8
    HOTEL PIERRE,
 9
                 Defendant.
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11
12
13
        DEPOSITION OF HEIKO KUENSTLE
                  New York, New York
14
               Tuesday, April 29, 2008
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24 Reported by:
   TAMI H. TAKAHASHI, RPR, CSR
25 JOB NO. 202786C
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Page 18 Kuenstel 2 about Ms. Bielinski? A. He was impressed with the way Gigi 4 came across from a service standpoint. Very 5 dedicated, very service-oriented. I don't 6 remember more than that of the conversation. Q. Did he say that she was very 8 passionate about the job? A. He may have said that. I'm not 10 sure. As I said, I don't recall more than 11 that. 12 Q. Did he tell you that he thought she 13 was an excellent candidate for the job? A. He definitely said she is a 15 candidate. Whether he would have said 16 excellent or superb, I don't know. But

17 certainly she was a candidate, clearly.
18 Q. No, no, no. But his -- how did he
19 evaluate her? Did he say, she's the best one
20 to hire, or she's really good to hire?

- 21 A. Among the ones that he interviewed, 22 he said that Gigi's -- would be the stronger 23 candidate, yes.
- 24 Q. All right. What did he say about 25 Mr. Pardo?

l Kuenstel

2 Ms. Bielinski?

3 A. You don't have to make every 4 interview yourself in order to evaluate the 5 candidate. There -- if I look at -- at 6 Christian -- what Christian said about her 7 ability, I can see that because I've observed 8 in many banquets Gigi very attentative with Page 20

Page 21

9 the guests, et cetera.

10 But there's a distinct difference
11 between being a waiter and -- a banquet
12 waiter and a banquet captain. A banquet
13 captain is somewhat between a line staff
14 position and a managerial position. There's
15 supervisory tasks that you fulfill in that
16 position, meaning you oversee the waiters.
17 You want to make sure that they do the right
18 things, that they extend the best level of
19 service. You're free from them having a
20 station yourself. So, you have the ability
21 to coordinate certain things and supervise
22 them.

23 And although I felt, when I 24 compared Jay and Gigi's qualifications, 25 attitude, willingness of extending service,

Page 19

Kuenştel

2 A. Mario made some comments that 3 Christian found -- I don't know if you call 4 it disturbing -- in the interview process in 5 regard -- you have his -- you have his 6 interview. It's probably in there -- in 7 regards to being at a point in his life where 8 he doesn't want to carry trays anymore.

9 That's clearly not something that 10 we would want to consider a reason of a 11 promotion to that position.

12 Q. All right. So, he gave you his 13 impressions?

14 A. Um-hum.

15 Q. And you had spoken to Mr. Laut. 16 What happened after that?

17 A. After that, I made a decision, 18 which I shared with Yvonne, my director of 19 Human Resources; Bill Spinner, director of 20 catering; and Christian I'm sure was there.

21 And I -- I felt that Jay was the -- 22 of the three, the most suitable candidate for 23 the promotion. And that's how I proceeded.

24 Q. Why was that? Why did you feel 25 that way given that you hadn't interviewed

1 Kuenstel

2 trying to improve the service in banquet, 3 et cetera and their participation for it, I 4 think they would have rated equally strong.

Where, for me, the difference there 6 was Jay was a delegate before. And it is an 7 elected -- as you know, an elected position 8 among -- or I don't know how else to describe 9 it. Among the waiters.

10 And in that, you fulfill, as much 11 as I can see and in my interactions with 12 delegates, a supervisory role. You -- you 13 express concerns of the group directly with 14 management, sometimes me, sometimes my 15 director of Human Resources, sometimes the 16 division head or the department head.

16 division head or the department head.
17 And in that position, as a
18 delegate, you try to find compromises
19 whenever possible. That experience of Jay, I
20 felt, was a key ingredient why I felt
21 strongly that he's more qualified for the
22 captain position. Because it's not just how
23 you extend service.

As I said, there's this leadership 25 role. And there I felt he simply was

6 (Pages 18 to 21)

**EXHIBIT E** 

## **Christopher Edmonds**

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Page 1
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 2
             UNITED STATES DISTRICT COURT
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            SOUTHERN DISTRICT OF NEW YORK
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 5
    GRISELDA BIELINSKI and MARIO
    PARDO,
 6
                 Plaintiffs,
                                       Case No.
 7
                                       07 Civ. 11636
                                        (SS)
              vs.
 8
    HOTEL PIERRE,
 9
                 Defendant.
10
11
12
13
        DEPOSITION OF CHRISTOPHER EDMONDS
14
                  New York, New York
               Tuesday, April 29, 2008
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24 Reported by:
   TAMI H. TAKAHASHI, RPR, CSR
25 JOB NO. 202786A
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Page 22 of 22 Christopher Edmonds

1 Edmonds
2 A. I I met with one gentleman who
3 was working at the he was working next
4 door at the Metropolitan Club, but only as
5 somebody that was applying for the job and
6 that I knew him from from next door, and
7 that he was applying. He heard about it
8 through the union. He was applying for the
9 job. I didn't I didn't interview him
10 directly, no.
11 Q. Did you and your assistants have
12 any discussion about who the best before
13 the interviews began, about who the best
14 candidates were in informal discussions?
15 A. Talked about who the strong who
16 the strongest people were that could be

- 17 possibilities, yes. 18 Q. Yeah?
- 19 A. Yes, sure.
- 20 Q. How many times did you guys talk 21 about it?
- 22 A. I don't know.
- 23 Q. Frequently?
- 24 A. No.
- 25 Q. Two, three times?

### Page 26 **Edmonds**

2 about, the six people that I just

3 mentioned -- the five people I just

4 mentioned, but only in passing. It was,

5 thank you for your opinion, basically. Thank

Page 28

Page 29

6 you for your thoughts on this, you know.

Q. Did they have regular interaction 8 with the waiters or -- or -- or occasional

9 interaction with the waiters?

A. They do have relatively regular

11 interaction with the waiters.

Q. Did you have any discussions with 13 the other captains about who they thought was 14 the best candidate?

A. Each one of them approached me with 16 what their opinions were.

Q. Did they have different opinions? 17

18 A. Yes.

19 Q. Did -- when they gave you their

20 opinions, did they generally explain why they

21 had whatever opinion they had?

A. Each one, from what I remember,

23 yes, what their reasoning was.

Q. Did any of them -- did any of them

25 say that they thought the best candidate was

Page 27

## **Edmonds**

- 2 A. Maybe a couple times more than 3 that.
- Q. And was there some consensus 5 between the three of who were the strongest 6 candidates?
- A. There was.
- Q. And what was that -- who were the
- 9 stronger candidates at that point?
- A. At that point in time, Jay Laut,
- 11 Lou Koshkoshi, Jose Fernandez, Gigi
- 12 Bielinski, Mario Pardo. Oh, sorry. Terry --
- 13 Terry Rungoo -- Teeluk Rungoo. Those are the
- 14 names that really -- that stood out, that I
- 15 remember.
- Q. All right. And did they have 17 similar discussions with Mr. Spinner and 18 Mr. Rose?
- 19 A. Yes.
- Q. And did they have opinions about 20
- 21 who the strong candidates were?
- 22 A. No.
- 23 Q. They didn't?
- A. They -- they took -- they -- they 24
- 25 took the people that I -- that we spoke

#### **Edmonds**

- 2 Mr. Pardo?
- A. Each one suggested several people.
- 4 Mr. Pardo was definitely mentioned.
- Q. Was Ms. Bielinski mentioned by 6 anyone?
- A. She was mentioned, also.
  - Q. And Mr. Laut was mentioned?
- A. Mr. Laut was mentioned, also.
- 10 Q. Did they all mention Mr. Laut?
- A. He was one of the -- one of the --
- 12 he was definitely one of the ones that there
- 13 was -- mentioned by several of the captains.
  - Q. Now, some time shortly after the
- 15 notice, Exhibit A -- Exhibit 1 got posted,
- 16 February 12th, Mr. -- at least according to
- 17 testimony, Mr. Laut began to tell people that 18 he got the job.
- 19 MS. STOLL: I'm sorry. Can you
- 20 repeat that question.
- 21 MR. SCHWARTZ: Actually, it didn't
- 22 turn into a question yet.
- 23 MS. STOLL: Oh, okay.
- 24 BY MR. SCHWARTZ:
- 25 Q. Mr. Laut, according to testimony,

8 (Pages 26 to 29)